

Discipline Committee

2021 Annual Report

Introduction: Role of the Committee

The Discipline Committee supports the College's commitment to the public to address concerns about practice and conduct.

Executive summary

The Discipline Committee's hearings and activities continued to be impacted by the global pandemic in 2021. Hearings of both contested and uncontested matters were conducted virtually.

A. Panel Activities

1. Completed Matters¹ (Table 1)

Disciplinary matters are resolved by way of non-contested or contested hearings. Matters are resolved or disposed of when:

- all allegations are withdrawn or dismissed;
- no findings of professional misconduct and/or incompetence are made by a panel;
- findings of professional misconduct and/or incompetence are made and a penalty is ordered;
- reinstatement requests are granted, not granted or abandoned; and
- removal of information requests are granted, not granted or abandoned.

In 2021, Discipline Committee panels made findings of professional misconduct in 45 matters involving 45 members. The Penalty hearing for one matter that had findings made in 2020 was also completed. In addition, one matter was withdrawn. In total, 47 matters were completed in 2021.

¹ The number of completed matters reported in this report will differ from the number in the College Performance Measurement Framework ("CPMF") report to the Ministry due to a difference in the definition of when a matter is completed.

(a) Non-contested Matters (Table 2 and Table 3)

36 matters were resolved by panels accepting agreed statements of facts and/or joint submissions on penalty presented by the College and the member. This represents 76.6% of all completed matters. On average, one hearing day² was required per matter.

(b) Contested Matters (Table 2 and Table 3)

10 contested matters, involving a total of 17.50 hearing days, were resolved. In addition, one hearing day was held for a matter that is continuing in 2022. The number of hearing days for contested matters ranged from one to three days with an average of 1.75 hearing days per matter.

(c) Penalty Orders (Table 4)

Discipline Committee panels made penalty orders in 46 matters where findings of professional misconduct were made. The penalties that were ordered included:

- 6 revocations;
- 32 suspensions;
- 32 terms, conditions and limitations; and
- 46 reprimands.

Terms, conditions and limitations ordered included monitoring and/or supervising of members' practices and members' education/remediation.

2. Hearing and Deliberation/Decision-Writing (Table 5)

Discipline Committee panels met on 56.5 days for hearings, deliberation and decision-writing for 47 matters. 55.25 days were for hearings (includes one hearing day for a matter that is continuing in 2022, and 0.25 days hearing a motion to withdraw allegations). 1.25 days were for deliberation/decision-writing.

The administration of reprimands commonly occurs immediately following hearings, and the time spent on this administration is included in the calculation of hearing days. In 2021, the Discipline Committee spent an additional 0.5 days administering reprimands at proceedings specifically convened for that purpose.

² A hearing day is approximately seven hours.

3. Release of Decision and Reasons (Table 6)

For agreement hearings, the Discipline Committee may deliver its decision on the day of the hearing or within 24 hours after the conclusion of the hearing. Subsequently, the Committee releases its written reasons for decision (“reasons”).

The Discipline Committee released 72 written reasons in 2021, some of which related to matters that were heard in 2020. The Discipline Committee Guidelines set out that the Committee’s written reasons be released within 60 days of the conclusion of the hearing. The time period for the release of the written reasons can be impacted by the complexity of the legal and evidentiary issues in the case, or logistical issues, such as the availability of panel members. In 2021, the cascading effect of delays in releasing 2020 reasons due to the cyber-security incident and the continuing global pandemic resulted in the release of almost all the written reasons after the 60-day guideline.

(a) Released decisions and reasons for non-contested matters (Table 7)

In 16 matters, the written reasons were released between 61 and 90 days, and in 41 matters, they were released in 91 days or more.

(b) Released decisions and reasons for contested matters (Table 7)

In one contested matter the reasons on liability were released within 60 days. Two contested matters had reasons released between 61 and 90 days, and the written reasons in 12 matters were released in 91 days or more.

B. Committee Activities

1. Matters in Progress (Table 8)

The number of matters in progress varies in relation to:

- the number and timing of matters referred;
- requests for postponements of hearings and pre-hearings;
- adjournments granted; and
- the length of time required for decision writing.

On December 31, 2021, one hearing was ongoing, six pre-hearings and 13 hearings were scheduled for 2022. 58 pre-hearings were to be scheduled of which 55 were for new referrals received between November and December 2021. Four hearings were in the process of being scheduled. Decision-writing was underway for 11 matters. 13 hearings were adjourned and in one matter the parties had to determine if they wanted to proceed with a pre-hearing or move directly to a hearing.

2. Length of Time from Referral to Pre-Hearing/Hearing

The Committee guidelines for matters moving through the discipline process require pre-hearings to be scheduled within four months and hearings to commence within nine months from the referral by the ICRC. The length of time from referral to a pre-hearing and hearing is affected by several factors, including:

- holding a matter in abeyance until the conclusion of related matters within the criminal justice system or other jurisdiction;
- communication and logistical matters with self-represented members; and
- accommodating scheduling issues of legal counsel, for one or both parties.

(a) Referral to Pre-Hearing (Table 9)

Of the 34 matters, where pre-hearings were held in 2021, 17 matters (50.0%) had pre-hearing conferences held within four months or less from the date of referral.

(b) Referral to Commencement of Hearing (Table 10)

Of the 53 hearings that were scheduled in 2021, 42 hearings (79.2%) were scheduled in nine months or less from the date of referral from the ICRC and 7 hearings were scheduled between 10 and 12 months. Four hearings were scheduled 13 months or more from the referral date.

(c) Referral to Conclusion of Hearing (Table 11)

The average number of months from the ICRC's referral to the conclusion of a hearing for matters resolved by agreement between the parties was 10.6 months, with a range of five to 26 months. The average number of months from referral to the conclusion of a hearing for contested matters was 14.2 months, with a range of six to 29 months.

C. Discipline Committee Meetings

The Committee held virtual meetings on February 22 & 23, 2021 for general education of Committee members. A virtual meeting was held on May 18, 2021, to orient new members and on May 10 & 11, 2021 to train Panel Chairs. Through January and February 2021, Committee members attended virtual training sessions on the use of CaseLines, the online file sharing platform used in hearings.

On April 9, 2021, four Committee members attended the "Conducting a Discipline Hearing Basic Workshop" hosted virtually by the Health Profession Regulators of Ontario (HPRO).

Another four Committee members attended the Fall session of this workshop on October 1, 2021.

14 Committee Members attended the “Conducting a Discipline Hearing Advanced Workshop” hosted virtually by the HPRO on April 30, 2021.

Six Committee Members attended HPRO’s first ever “Reasons Writing Workshop” virtually on October 15, 2021.

Committee members:

July to December 2021

Dawn Cutler, RN, Chair
Janet Adanty, RN
Andrea Arkell, PM
Jay Armitage, PM
Eloisa Busto, RPN
Margarita Cleghorne, RPN
Tim Crowder, PM
Jacqueline Dillon, RPN
Tanya Dion, RN
Sylvia Douglas, PM
Ramona Dunn, RN
David Edwards, RPN
Kerry Gartshore, RPN
Carly Gilchrist, RPN
Karen Goldenberg, PM
Shaneika Grey, RPN
Max Hamlyn, RPN
Neil Hillier, RPN
Michael Hogard, RPN
Carly Hourigan, PM
Aisha Jahangir, RN
Karen Laforet, RN
Sandra Larmour, PM (from September 2021)
Rodolfo Jr. Lastimosa, RPN
Marnie MacDougall, PM
Mary MacNeil, RN
Benson Mathai, RPN
Jane Mathews, RN
Donna May, RPN

January to June 2021

Terry Holland, RPN, Chair
Andrea Arkell, PM
Jay Armitage, PM
Margarita Cleghorne, RPN
Dawn Cutler, RN
Jacqueline Dillon, RPN
Tanya Dion, RN
Sylvia Douglas, PM
David Edwards, RPN
Jennifer Farah, RPN
Kerry Gartshore, RPN
Fotyne Georgopoulos, RPN
Carly Gilchrist, RPN
Karen Goldenberg, PM
Shaneika Grey, RPN
Max Hamlyn, RPN
Neil Hillier, RPN
Carly Hourigan, PM
Bill Irwin, PM (to March 2021)
Carolyn Kargiannakis, RN
Karen Laforet, RN
Marnie MacDougall, PM
Bonnie MacKinnon, RN
Mary MacNeil, RN
Jane Mathews, RN
Ian McKinnon, PM
Natalie Montgomery, PM
Andrea Norgate, RN
Linda Marie Pacheco, RN

Committee Members (contd.):

July to December 2021

Ian McKinnon, PM
Sharon Moore, RN
Andrea Norgate, RN
Fidelia Osime, PM
Lalitha Poonasamy, PM
Susan Roger, RN
Martin Sabourin, RN
Michael Schroder, NP
Heather Stevanka, RN
Emilija Stojisavljevic, RPN
Patricia Sullivan-Taylor, RN
Sherry Szucsko-Bedard, RN
Shafrina Tarani, NP
Kari Van Kamp, NP
Jane Walker, RN
Terah White, RPN
Colleen Wilkinson, RN
Ingrid Wiltshire-Stoby, NP

January to June 2021

Honey Palalon, RN
Lalitha Poonasamy, PM
Desiree Ann Prillo, RPN
Heather Riddell, RN
George Rudanycz, RN
Martin Sabourin, RN
Michael Schroder, NP
Heather Stevanka, RN
Patricia Sullivan-Taylor, RN
Sherry Szucsko-Bedard, RN
Fernando Tarzia, RN
Jane Walker, RN
Jody Whaley, RPN
Colleen Wilkinson, RN
Josée Wright, RPN (to May 2021)

Staff contacts:

Ravi Prathivathi, Manager, Finance & Hearings
Kurt Maben, Hearings Administration Coordinator
Lesley Wright, Hearings Administrator
Patty Lee Him, Hearings Administrator
Adrienne Kang, Hearings Administrator
Saad Siddiqui, Hearings Administrator

STATISTICAL TABLES

A. Panel Activities

Table 1. Completed matters

Matters with:	2017		2018		2019		2020		2021	
	#	%	#	%	#	%	#	%	#	%
Findings	44	93.6	35	100	43	100	53	93.0	46	97.9
All allegations withdrawn	2	4.3	0	0.0	0	0.0	3	5.3	1	2.1
All allegations dismissed	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Reinstatement Abandoned	1	2.1	0	0.0	0	0.0	1	1.7	0	0.0
Total	47	100	35³	100	43	100	57	100	47⁴	100

Table 2. Types of completed matters

Completed cases	2017		2018		2019		2020		2021	
	#	%	#	%	#	%	#	%	#	%
Non-contested matters	33	70.2	25	71.4	31	70.5	46	80.7	36	76.6
Contested matters	11	23.4	10	28.6	13	29.5	7	12.3	10	21.3
All allegations withdrawn	2	4.3	0	0.0	0	0.0	3	5.3	1	2.1
Reinstatement Abandoned	1	2.1	0	0.0	0	0.0	1	1.7	0	0.0
Removal of Information Abandoned	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	47	100	35	100	44⁵	100	57	100	47⁶	100

³ For one matter, liability findings were made in 2018 but the penalty was heard in 2019.

⁴ For one matter, liability findings were made in 2020 but the penalty was heard in 2021

⁵ Includes the matter where liability findings were made in 2018 but penalty was ordered in 2019

⁶ Includes the matter where liability findings were made in 2020 but penalty was ordered in 2021

Table 3. Hearing days⁷ for 2021

Completed matters	Matters	Total days	Min. days/case	Max. days/case	Average days/case
Non-contested matters	36	36.5	1.0	1.5	1.0
Contested matters	10	17.5	1.0	3.0	1.75
All allegations withdrawn matters	1	0.25	0.25	0.25	0.25
Total	47	54.25	-	-	-

Table 4. Penalty Orders

Penalty Types	2017		2018		2019		2020		2021	
	#	%	#	%	#	%	#	%	#	%
Reprimand	41	35.7	32	37.2	42	36.2	53	37.6	46	39.7
Suspension	33	28.7	22	25.6	32	27.6	41	29.1	32	27.6
Terms, conditions, limitations	33	28.7	22	25.6	33	28.4	41	29.1	32	27.6
Revocation	7	6.1	10	11.6	9	7.8	6	4.2	6	5.1
Fine	1	0.9	0	0.0	0	0.0	0	0.0	0	0.0
Total	115	100	86	100	116	100	141	100	116	100
# of matters with penalty orders	45		34		44		53		46	

⁷ A hearing day is approximately seven hours, measured in 0.25 day increments.

Table 5. Hearing and deliberation/decision-writing days

Activity days	2017		2018		2019		2020		2021	
	#	%	#	%	#	%	#	%	#	%
Hearings (including ongoing matters)	65.5	88.0	41.0	94.3	60.25	91.6	58	94.3	55.25	97.0
Hearing - Removal of Information Request	0.0	0.0	0.0	0.0	0.0	0.0	0	0.0	0	0.0
Reinstatement hearings	0.0	0.0	0.0	0.0	0.0	0.0	0	0.0	0	0.0
Deliberation/decision-writing	7.0	9.4	2.0	4.6	4.5	6.8	2	3.3	1.25	2.1
Administering Reprimands	2.0	2.6	0.50	1.1	1.00	1.5	1.5	2.4	0.5	0.9
Total	74.5	100	43.5	100	65.75	100	61.5	100	57.0	100
# of matters	48		35		44		57		47	

Table 6. Time from conclusion of hearing to release of decision and reasons

Time	2017		2018		2019		2020		2021	
	#	%	#	%	#	%	#	%	#	%
60 days or fewer	24	62.0	18	54.5	4	9.5	2	8.0	1	1.4
61 days or more	15	38.0	15	45.5	38	90.5	23	92.0	71	98.6
Total	39	100	33	100	42	100	25	100	72	100

Table 7. Time from conclusion of hearing to release of decision and reasons in non-contested and contested matters

Time	Non-contested Matters		Contested Matters	
	#	%	#	%
60 days or fewer	0	0.0	1	6.7
61 days or more	57	100.0	14	93.3
Total	57	100	15	100

B. Committee Activities

Table 8. Matters in progress on December 31, 2021

Matter Status	2017		2018		2019		2020		2021	
	#	%	#	%	#	%	#	%	#	%
Pre-hearing to be set	3	9.7	15	34.0	9	16.1	21	23.1	58 ⁸	54.2
Pre-hearing scheduled	7	22.6	4	9.0	13	23.2	11	12.1	6	5.6
Hearing to be set	6	19.4	3	6.8	8	14.3	1	1.1	4	3.7
Hearing scheduled	6	19.4	14	32.0	20	35.7	21	23.1	13	12.2
Hearing in progress	2	6.4	1	2.2	0	0.0	0	0.0	1	0.9
Deliberation	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Decision-writing	6	19.3	7	16.0	6	10.7	35 ⁹	38.4	11	10.3
To be determined	1	3.2	0	0.0	0	0.0	1	1.1	1	0.9
Adjournment	0	0.0	0	0.0	0	0.0	1	1.1	13	12.2
Total	31	100	44	100	56	100	91	100	107	100

Table 9. Time from referral to pre-hearing

Time	2020		2021	
	#	%	#	%
4 months or less	17	48.5	17	50.0
5-9 months	17	48.5	16	47.1
10-12 months	0	0.0	0	0.0
13 months or more	1	3.0	1	2.9
Total	35	100	34	100

Table 10. Time from referral to commencement of hearing

Time	2017		2018		2019		2020		2021	
	#	%	#	%	#	%	#	%	#	%
9 months or less	28	62.2	26	74.3	33	76.7	37	70.0	42	79.2
10-12 months	10	22.2	3	8.6	10	23.3	11	21.0	7	13.2
13 months or more	7	15.6	6	17.1	0	0.0	5	9.0	4	7.6
Total	45	100	35	100	43	100	53	100	53	100

⁸ includes 55 matters that were referred between November and December 2021

⁹ includes one Decision on Liability being written for a matter that is continuing in 2021

Table 11. Time from referral to conclusion of hearing

	Minimum months/case	Maximum months/case	Average months/case
Matters with agreements	5	26	10.6
Contested matters	6	29	14.2